

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WRONGFUL DEATH ESTATE
OF MIGUEL GONZALEZ,
by and through Wrongful Death
Estate Personal Representative
Joanna Rodríguez,

JOANNA RODRIGUEZ, on her
own behalf and as
Mother and Next Friend of
ME Gonzalez, a minor child,
DJ Gonzalez, a minor child,
and AX Gonzalez, a minor child,

Plaintiffs,

vs.

CIV 18-00125 KG/LF

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF BERNALILLO, NEW
MEXICO, MANUEL GONZALES, III, Sheriff
of Bernalillo County, CHARLES COGGINS, a Deputy
Sheriff of the Bernalillo County Sheriff's
Department, and JOHN DOES 1 through
7, Deputy Sheriffs (Deputy Sheriffs) of the Bernalillo
County Sheriff's Department, Individually
and in their Official Capacities,

Defendants.

ORDER GRANTING COUNTY DEFENDANTS' MOTION TO COMPEL No. 1

THIS MATTER is before the Court on County Defendants' Motion to Compel No. 1:
Requesting Complete and Adequate Answers to Interrogatories and Responses to Requests for
Production, filed on June 18, 2018. Doc. 30. Plaintiffs did not file a response. On July 5, 2018,
defendants filed a Notice of Completion of Briefing. Doc. 32.

On June 6, 2018, County Defendants sent plaintiffs' attorney Gene Chavez a Rule 37
letter in an attempt to resolve their discovery dispute. Mr. Chavez did not reply. Doc. 30 at 2.

Due to Mr. Chavez's lack of response, County Defendants filed the instant motion to compel. In their motion to compel, County Defendants seek complete and adequate responses to interrogatories No. 2, 3, 5 and 8 and requests for production No. 6 and 7; a finding that plaintiffs have waived any objections they may have had to the County Defendants' discovery requests; and an award of attorney's fees and costs incurred in making their motion. Doc. 30 at 12–13.

According to Local Civil Rule 7.4(a), a response to a motion “must be served and filed within fourteen (14) calendar days after service of the motion.” D.N.M.LR–Civ. 7.4(a). Under Local Civil Rule 7.1(b), the respondent's failure to serve a timely response to a motion “constitutes consent to grant the motion.” D.N.M.LR–Civ. 7.1(a). There is no indication that the motion was not properly served or that plaintiffs did not have notice of the motion. Plaintiffs' failure to file a response within 14 days of the County Defendants' filing their motion to compel constitutes consent to grant the motion.

IT IS THEREFORE ORDERED THAT:

1. Defendants' Motion to Compel No. I: Requesting Complete and Adequate Answers to Interrogatories and Responses to Requests for Production is GRANTED;
2. Plaintiffs must provide complete and adequate answers to County Defendants' interrogatories No. 2, 3, 5, and 8 no later than July 25, 2018;
3. Plaintiffs must provide complete and adequate responses to County Defendants' requests for production No. 6 and 7 no later than July 25, 2018;
4. Plaintiffs have waived any objections they may have had to County Defendants' discovery requests contained in their motion to compel; and

5. Attorney Gene Chavez is ordered to personally pay the County Defendants' attorney's fees and costs incurred in making this motion. Attorneys for the County Defendants shall submit their affidavit of fees and costs no later than July 25, 2018. Gene Chavez shall submit any objections to the reasonableness of the claimed fees and costs no later than August 1, 2018.

IT IS SO ORDERED.



Laura Fashing
United States Magistrate Judge